

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BERIAM ORTIZ,

Plaintiff,

-against-

ERIN KATHLEEN BARLOW, TOYOTA
MOTOR CREDIT CORP., and CAROL
SHERMAN,

Defendants.
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**STATEMENT OF UNCONTESTED
MATERIAL FACTS**

07-CV-10365

Pursuant to Local Rule 56.1, the plaintiff submits the following statement of uncontested material facts:

1. The accident occurred on April 20, 2007, on the Bruckner Boulevard, at or near its intersection with East Tremont Avenue, Bronx, New York. (Exhibits "E" & "F").
2. The defendant, Erin Kathleen Barlow, contacted the rear of the plaintiff, Beriam Ortiz's vehicle. (Exhibit "E").
3. After the defendant, Erin Kathleen Barlow, contacted the rear of the plaintiff's vehicle, plaintiff's vehicle was pushed into the vehicle of defendant Carol Sherman. (Exhibit "E").
4. Just prior to the accident, the defendant, Erin Kathleen Barlow, diverted her attention from the roadway, and when her attention was returned thereto, she was unable to avoid contacting the plaintiff, Beriam Ortiz's vehicle. (Exhibits "E" & "F").

Dated: Hartsdale, New York
April 18, 2008



ELIZABETH M. PENDZICK